

Working Paper

Research Division EU Integration
Stiftung Wissenschaft und Politik
German Institute for International
and Security Affairs



Roderick Parkes

Mobility partnerships: valuable addition to the ENP repertoire?

A checklist for revitalising ENP

Working papers are papers in the subject area of a Research Unit, which are not officially published by SWP. These papers are either preliminary studies that later become papers published by SWP or papers that are published elsewhere. Your comments are always welcome.

Ludwigkirchplatz 3-4
10719 Berlin
Phone +49 30 880 07-0
Fax +49 30 880 07-100
www.swp-berlin.org
swp@swp-berlin.org

Working Paper FG 1, 2009/ 03, January 2009
SWP Berlin

Mobility partnerships: valuable addition to the ENP repertoire?

A checklist for revitalising ENP

It is something of a paradox: European Neighbourhood Policy is home to some of the most vibrant of the EU's policy initiatives, yet is itself often deemed to be stagnating. This paradox arises precisely because initiatives from policy areas such as home affairs or energy policy are simply transplanted into the ENP-framework with little thought for the integrity of the Neighbourhood Policy. The original character of ENP is being lost as Neighbourhood Policy becomes a mere conduit for the implementation of other policy areas.

Against this background, a simple tripartite procedure might usefully be applied by policymakers in order to reassert ENP's original character. This "checklist" would ensure the compatibility with ENP-principles of those initiatives transplanted into its framework. The recent "mobility partnership" initiative, spawned from EU migration policy and transplanted into the ENP set-up, serves as a good example for the utility of such a checklist.

1. The dilution of ENP: the example of the Moldovan mobility partnership¹

In the summer of 2008, the EU signed its first two "mobility partnerships" with third countries. One was with Cape Verde, the other with Moldova, an active party to the Union's Neighbourhood Policy (ENP).²

The Moldovan mobility partnership is housed within the ENP-framework and boasts in its name one of the key principles of Neighbourhood Policy: the *mobility* of individuals has been recognised as an important ingredient in the achievement of good relations between the European Union

and the ring of states which successive enlargements have rendered its neighbours.³

At face value then, the Moldovan mobility partnership appears an archetypical ENP-tool for encouraging "face-to-face" contact between EU citizens and their counterparts in neighbouring states. In fact though, the mobility partnership was forged as a response to a range of policy goals with little or no connection to ENP. These include: the EU's overarching desire to control illegal immigration; the desire to create a "comprehensive" European migration policy in which previously disparate foreign, development, social, economic and security priorities are coordinated with one another and the interrelationship between illegal immigration, legal migration and asylum is appreciated⁴; and, finally, the desire to exploit different forms of human movement such as temporary, circular or pendular migration in order to better regulate migration to the EU.⁵

In short, the mobility partnership appears primarily a product of the Union's migration policy. The politically-binding undertakings that make up the Moldovan mobility partnership build on the *quid-pro-quo* arrangement that the EU has developed for the burgeoning "external dimension" of its migration policy: the EU member states have long realised that they must offer something in return if they are to encourage third countries to fall in with the Union's migration priorities. This may include identifying a common interest or indeed offering material incentives for compliance.⁶ By signing the

³ European Commission (2007) "A Strong European Neighbourhood Policy", Communication from the Commission, COM(2007) 774 final, http://ec.europa.eu/world/enp/pdf/com07_774_en.pdf.

⁴ European Council (1999) European Commission (2001) "Communication on a Common Policy on Illegal Immigration", Communication, COM(2001)672 final, <http://www.statewatch.org/news/2001/nov/illimm672.pdf>;

European Council, (2006) "Presidency Conclusions on A Comprehensive Migration Policy", 14th-15th December 2006

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/92202.pdf; European Commission, (2007) "A Comprehensive European Migration Policy", Memo, 14th May 2007,

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/188#fn1>. "For analysis: Steffen Angenendt/Roderick Parkes, "Steering Labour Migration to the EU – Perspectives", SWP Comments, 2008/12, Mai 2008, http://www.swp-berlin.org/en/common/get_document.php?asset_id=4995.

⁵ For a useful overview of relevant documents: European Commission, "Global Approach to Migration: a Chronology", 2008, http://ec.europa.eu/justice_home/fsj/immigration/relations/docs/ga_chronology_en.pdf.

⁶ On this issues, see the recent conference "Swiss Migration and EU Mobility Partnerships: unveiling the promise, World Trade Institute, University of Berne, December 12-13, 2008, <http://www.nccr-trade.org/images/stories/projects/MP-detailprogramme/FINAL.pdf>.

¹ This paper was prepared for presentation at the conference of the SWP and the Batory Foundation: "A New Partnership for the Eastern Neighbours – German and Polish Perspectives", 24-25 November 2008, Berlin.

² See: European Union (2008) "Joint Declaration on a Mobility Partnership between the European Union and the Republic of Cape Verde", 9460/08 ADD 2 <http://europapoort.eerstekamer.nl/9345000/1/j9vvyg6i0ydh7th/vgbwr4k8ocw2/f=vhvffe3hyya.pdf>; Council of the European Union (2008) "Joint Declaration on a Mobility Partnership between the European Union and the Republic of Moldova", 9460/08 ADD 1, <http://europapoort.eerstekamer.nl/9345000/1/j9vvyg6i0ydh7th/vgbwr4k8ocw2/f=vhvffd67yqv8.pdf>.

mobility partnership, the Moldovan government has thus committed itself to bring its policies into line with EU priorities, undertaking to strengthen its borders and to combat human trafficking. In return, the EC and sixteen of its member states bundled together a whole range of national and EU schemes designed to support and reward this process. Far from seeking to increase mobility, the partnership is part of a broader effort to control and restrict human movement.

The suspicion that this most high-profile of ENP-initiatives has in fact merely been transplanted fully-formed from migration policy is of particular salience: in the years since the inception of the Neighbourhood Policy, there has been a growing feeling that EU policymakers have failed to fill ENP with meaning. It is a paradox that the ENP should house some of the most vibrant policy initiatives—relating to issues such as migration, international terrorism and energy security—but itself be deemed in need of life support. Yet, it is precisely because ENP is host to these vibrant policy initiatives that its original character has become diluted.⁷

Ahead of efforts to roll out the mobility-partnership scheme to other ENP-partners, it is therefore necessary to ask:

- 1) is the Moldovan partnership in line with the broader goals of ENP,
- 2) are the tools it employs in line with those of ENP, and
- 3) can it be applied to other ENP states?

This tri-partite scheme might usefully be applied to other policy initiatives that are channelled through the ENP. In the absence of such efforts the integrity of the ENP will be progressively lost, and the principle of general applicability of ENP policies to all active ENP-partners will be replaced by one of fragmentation.

2. The ENP check-list

2.1 Complementarity with ENP aims

Broadly speaking, the goals of ENP are threefold: to offset the negative effects of EU-enlargement on the EU's new neighbours; to foster the economic and institutional development of these states, in order to create a stable and prosperous ring around the EU; to ensure that this ring of states is well-disposed towards the EU.

⁷ For useful analysis: Antonio Missiroli, "The ENP three years on - where from, where next?", IDDRI Paper 3/2007, http://www.iddri.org/Publications/Collections/Idees-pour-le-debat/id_0703_missiroli_bei_ec_enp1.pdf.

If the Moldovan mobility partnership meets these goals however, it is more by accident than by design.

- The partnership scarcely offsets the negative effects of EU enlargement for Moldova. Certainly Romania, Bulgaria, Italy and the Czech Republic will offer labour migration schemes to Moldova, but it appears unlikely that this will compensate for the loss of travel opportunities to Romania due to the 2007 enlargement. Meanwhile, states like Germany have offered support to Moldova to bolster the country's migration-management capacity, and thus to offset the extra migration burdens that come with being a neighbour of the EU. There is, however, no specific EU-support to mitigate Moldova's new obligation to readmit nationals of other states residing illegally in the EU, and with whose countries of origin Moldova itself has no readmission agreement.⁸
- More obvious perhaps are the partnership's efforts to foster economic and institutional development in Moldova—the second goal of ENP. Some effort has, for example, been made to ensure that Moldovan diasporas living in the EU can contribute to the economic development of Moldova, and even return home from the EU armed with new expertise. Yet, the formulators of the mobility partnership realise that the economic development of Moldova will likely be detrimental to efforts to control irregular migration, at least in the medium term: after all, economic development can cause a so-called "migration bump" in which newly affluent Moldavians are better able to afford the journey to the EU. The partnership's full commitment to the economic development of Moldova is therefore questionable. As for institutional development, the emphasis is on repressive institutions, such as those involved in border

⁸ Under the terms of the Readmission Agreement that Moldova has signed with the EU—a precondition if it was to benefit from ENP—Moldova has undertaken to accept nationals of other countries, as well as stateless persons, irregularly in the EU who entered illegally through Moldova or were in possession of a Moldovan resident permit or visa at time of entry. See Article 3 of the Council Decision concerning the signing of the Agreement between the European Community and the Republic of Moldova on the readmission of persons residing without authorisation (http://register.consilium.europa.eu/pdf/en/07/st12/st12752_en07.pdf). On the problems associated with this commitment: Pop (2008) p.58.

control, rather than liberal-democratic ones. In the Moldovan context, and given the problems with the Transnistrian region, strong border institutions may well be central to the development of liberal-democratic ones.⁹ However, this is more a happy coincidence than a design.

- As for ensuring that Moldova and its citizens are well-disposed to the EU, the mobility partnership may be something of a complement to the measures included in the EU's visa arrangements to foster "face-to-face" contact between EU citizens and their neighbours: if visa-facilitation arrangements largely focus on businessmen, researchers and public servants, the partnership provides perspectives for low-qualified workers from Moldova to reach the EU. Moreover, the partnership will reduce their risk of economic exploitation in the EU by clarifying their rights and facilitating the transfer of social-security benefits back home. This ought to ensure that EU citizens and Moldovans meet one another as equals. Again, however, these face-to-face elements are above all a by-product of other agendas, and the numbers benefiting from such arrangements will likely be small.¹⁰

2.2 Complementarity with ENP mechanisms

The second aspect of the mobility partnership which needs to be examined is the mechanism by which it seeks to realise its goals. Are these mechanisms in line with the methods which the ENP employs?

ENP uses two main mechanisms to foster compliance. The first involves the creation of an incentive for the ENP-state. Here there is a general consensus that the closer these incentives come to full membership of the EU, the more effective they will be. There has even been talk about offering ENP-states a perspective of enjoying all four of the European Community's basic freedoms, including the free movement of persons.¹¹

⁹ For useful analysis of the regional situation: International Crisis Group, "Moldova's uncertain future", Europe Report 175, 2006; Michael, Bryane and Mariya Polner (2007) "Fighting Corruption on the Transnistrian Border: Lessons from Failed and Successful Anti-Corruption Programmes", American University of Paris Working Paper No. 49.

¹⁰ For useful analysis of visa issues see the work of the "Friendly EU Border" project: <http://www.batory.org.pl/english/intl/monitor.htm>.

¹¹ On this issue: Tovias, Alfred (2007) "Is the European Neighbourhood Policy Directed at Its Mediterranean Partners Coherent?", paper prepared for the conference

From this perspective, the incentives offered by the mobility partnership are small indeed, with the free movement of workers scarcely figuring.

The second ENP-mechanism is negative conditionality, i.e., the threat of sanction or the withholding of benefits in case of non-compliance. Here too the mobility partnership falls down. The partnership merely bundles together a range of disparate national and EU policies with Moldova. It is hard to see how the EU would persuade member states to shut off core incentives, such as labour-migration schemes, since these have in some cases been running for years, independently of ENP concerns.

2.3 Applicability to other ENP states

The final major question is whether mobility partnerships might be applied to other ENP countries. The answer is an ambivalent one: in theory, the Partnerships provide a format that would be sufficient to forge agreement between the EU and any pliant ENP country on migration issues. In reality, though, the EU member states would likely prove reluctant to tie themselves to such agreements with many ENP states.

Admittedly, the fact that Moldova was chosen as a test-case for the mobility partnership suggests a certain complementarity with ENP criteria for closer cooperation. Moldova has, after all, been singled out for an intensification of ENP-cooperation because of its active adherence to ENP goals. Yet, this impression is false: The logic behind the choice of country for mobility partnerships differs from that informing choices for enhanced ENP-cooperation.

From the perspective of migration policy, Moldova is a perfect guinea pig for the new initiative. It sits on an important migration root to the EU, is already party to a large number of bilateral migration relations with EU member states which can be bundled together, is likely to show quick results as regards the control of irregular migration, and is small enough for the EU member states to be able to offer modest legal migration opportunities for Moldovan nationals and still expect this to suffice as an incentive.

3. Options

At present, then, the mobility partnerships risk actively undermining the broader aims of ENP: the partnerships reflect a pressure to

"The Study of the European Neighbourhood Policy: Methodological, Theoretical and Empirical Challenges", 25th-26th October 2007, Nottingham, http://www.nottingham.ac.uk/shared/shared_icmcr/Docs/Tovias.pdf.

cooperate with states because they lie on a certain migration route, rather than because they have shown signs to be encouraged by ENP. The partnerships also give rise to a danger of repressive institutions being supported at the cost of liberal-democratic ones. In the face of these challenges, what options are there for ENP?

ENP actors might take one of two tacks to the mobility-partnership initiative. The first is a maximalist one. It would see mobility partnerships fundamentally overhauled and reformed as tools to meet a fuller range of ENP aims such as encouraging face-to-face contact. This would require ENP policy-makers to revisit the original agenda behind the mobility partnerships—the desire to combat irregular migration, the hankering for a comprehensive approach to migration, and the resolve to make full use of new kinds of human movement—exploiting the political consensus behind these agendas for ENP purposes.

They might alternatively take a minimalist tack: Certain elements of the mobility partnerships happen to complement broader ENP aims. In a minimalist approach these would be explicitly reconceived of as such. This approach would also see an effort to ensure that mobility partnerships do not actively clash with ENP aims.

The predicament of recovering ENP's lost identity will arise every time a policy initiative is transplanted into Neighbourhood Policy from another policy area. The tripartite method set out here for checking "compliance with ENP" might help to put a stop to the hollowing out of the Neighbourhood Policy.